

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A phosphor comprising at least one selected from the group consisting of Si and Ge, and Eu as an activator, and ratio R of not less than ~~40%~~80% and not more than 99%, wherein the ratio R is calculated by entering value of [a] being peak amplitude derived from Eu^{2+} and value of [b] being peak amplitude derived from Eu^{3+} in primary differential pattern of an X-ray absorption near edge structure spectrum into the following equation (1).

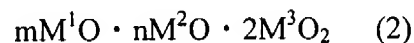
$$R(\%) = (a/(a+b)) \times 100 \quad (1)$$

2. (canceled).

3. (canceled).

4. (currently amended): The phosphor according to Claim 1, wherein the phosphor further ~~comprising~~comprises at least one selected from the group consisting of Ca, Sr and Ba, and at least one selected from the group consisting of Mg and Zn.

5. (original): The phosphor according to Claim 1, wherein the phosphor has a compound represented by a formula (2) and Eu as the activator;



wherein, in the formula (2), M^1 is at least one selected from the group consisting of Ca, Sr and Ba,

M^2 is at least one selected from the group consisting of Mg and Zn,

M^3 is at least one selected from the group consisting of Si and Ge,

m is not less than 0.5 and not more than 3.5 and

n is not less than 0.5 and not more than 2.5.

6. (currently amended): A vacuum ultraviolet excited light-emitting device comprising ~~any of the phosphors according to~~ any one of Claims 1, 4 to or 5.

7. (canceled).